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Agenda item 147
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Triennial review of the rates and standards for reimbursement to Member States for contingent-owned equipment

Report of the Secretary-General

Summary

Pursuant to General Assembly resolution 54/19 B, the 2014 Working Group on Contingent-Owned Equipment met from 20 to 31 January 2014 to conduct a comprehensive review of reimbursement rates and standards for major equipment, self-sustainment and medical support services deployed to United Nations field operations.

A total of 344 technical, financial and medical experts from 84 Member States participated in the 2014 Working Group. In its report (A/C.5/68/22), the Working Group proposed new standards, definitions and reimbursement rates for the major equipment, self-sustainment and medical support services categories.

The present report sets out the cost implications of implementing the recommendations of the 2014 Working Group. Should the General Assembly approve, with effect from 1 July 2014, the recommendations, additional resources estimated in a total amount of $20.59 million would be required for the budget period from 1 July 2014 to 30 June 2015.

The actions to be taken by the General Assembly are set out in section IV of the present report.

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I. Introduction

1. In its report dated 28 January 2000 (A/C.5/54/49), the Phase V Working Group on reform procedures for determining reimbursement of contingent-owned equipment recommended formats for the collection and consolidation of the national cost data from Member States for a comprehensive review, and the application of a new average index for each category based on national cost data submitted by Member States, to determine the new reimbursement rates. By its resolution 54/19 B, the General Assembly endorsed the recommendations of the Phase V Working Group, including the proposal to conduct a triennial review of the rates and standards for the reimbursement to Member States for contingent-owned equipment.

2. Pursuant to that resolution, the Secretary-General convened the 2014 Working Group on Contingent-Owned Equipment to carry out a comprehensive review of the contingent-owned equipment system and reimbursement rates, in accordance with the format established by the Phase V Working Group.

3. The preparations for the 2014 Working Group began in December 2011 with the request of the Secretariat for national cost data from Member States for a comprehensive review of contingent-owned equipment reimbursement rates. In October 2013, the Secretariat invited Member States to participate in the meetings of the 2014 Working Group and distributed national cost data from 49 Member States, together with 30 issue papers from 10 Member States. An updated package of national cost data from 51 Member States, 37 issue papers from 11 Member States and 10 issue papers from the Secretariat was distributed to Member States in December 2013.

4. The 2014 Working Group met in New York from 20 to 31 January 2014. The Chair of the Working Group submitted its report (A/C.5/68/22) to the Fifth Committee. The report and the annexes thereto should be read in conjunction with the present report.

5. In its resolution 67/261, the General Assembly approved, with some provisions, the recommendations of the Senior Advisory Group on rates of reimbursement to troop-contributing countries. In the light of the links between personnel and equipment reimbursement, the continuing implementation of those recommendations for changes to the system for personnel reimbursement to Member States may also need to be reflected in some of the procedures for determining reimbursement to Member States for contingent-owned equipment.

II. Summary of recommendations and their financial implications

A. Comprehensive review of contingent-owned equipment reimbursement rates and requirements for major equipment, self-sustainment and medical support services

1. Review of reimbursement rates

6. The Working Group agreed in plenary to an adjustment to the rates of reimbursement to Member States for contingent-owned equipment (major

equipment and self-sustainment), with an overall impact on the 2013/14 United Nations peacekeeping contingent-owned equipment budget calculated at 0.75 per cent, being an increase of $6.195 million. The report of the Working Group sets out revised rates recommended for major equipment, self-sustainment and medical support services (see A/C.5/68/22, annexes 1.1, 2, 4.1, 4.2 and 5.1 to 5.9).

7. For 2014/15, the revised reimbursement rates recommended in the report of the 2014 Working Group would result in increased costs of some $5.396 million, consisting of $2.918 million for major equipment and $2.477 million for self-sustainment. The increased costs are based on existing mandates for peacekeeping operations, planned deployments of contingents for 2014/15, equipment and self-sustainment required under signed and draft memorandums of understanding as at 1 April 2014 and existing levels of unserviceable and absent equipment.

2. Rotation of non-functioning and older contingent-owned equipment at United Nations expense

8. The 2014 Working Group recommended that certain items of major equipment under prolonged deployment to peacekeeping missions which were non-operable, or for which continued maintenance was not economical in the mission area, should be rotated at United Nations expense. The initiative would apply only to certain categories of major equipment and be determined at the discretion of a mission's contingent-owned equipment/memorandum of understanding management review board, in consultation with the applicable contingent commander, on the basis of operational requirements within the mission. To be eligible for consideration, equipment would have to have been continuously deployed in peacekeeping operations for at least seven years or 50 per cent of its estimated useful life, whichever is less. The categories of major equipment that would be eligible for rotation at United Nations expense would be armoured personnel carriers (tracked), armoured personnel carriers (wheeled), engineering vehicles and support vehicles (military pattern). The Working Group recommended that the total additional cost across all missions for the associated expenses each year should not exceed $12.5 million.

9. The Secretariat welcomes the recommendation, noting that it will raise the operational readiness of key items of contingent-owned equipment during a time of high operational tempo. It should also be noted that, in keeping with the implementation of General Assembly resolution 67/261, rotation of equipment should also mitigate possible deductions to personnel reimbursement arising from unserviceable or absent equipment.

3. Gynaecology basic module

10. The 2014 Working Group recommended that a gynaecology basic module should be added to the major equipment list of level II hospitals as a standardized additional service. The initiative recognizes the increasing number of female peacekeepers deployed in the field.

11. The Secretariat supports the recommendation. Security Council resolution 1325 (2000) is integrated into all United Nations peacekeeping mandates, with the Council calling upon Member States to ensure equal participation by women in the maintenance and promotion of peace and security. The implementation of the

recommendation will guarantee that all female staff deployed in peacekeeping missions will be provided with the same type of basic gynaecological care at level II hospitals. To implement the recommendation, additional specialized personnel and equipment will be required (see A/C.5/68/22, annex 5.8).

12. The recommended self-sustainment rate for the gynaecology module will be $2.12 per female personnel member per month. The cost in self-sustainment reimbursement of implementing the recommendation is estimated at $0.103 million per annum, based on the 3,800 women currently deployed (see annex II to the present report).

4. Forward medical teams

13. The 2014 Working Group recommended that troop- and police-contributing countries deploying a level I medical facility should be required to ensure deployment with two sets of essential diagnostic equipment. That would require an amendment to the current option in the Manual on Policies and Procedures Concerning the Reimbursement and Control of Contingent-Owned Equipment of Troop/Police Contributors Participating in Peacekeeping Missions (COE Manual) of deploying a level I medical facility with one or two sets of such equipment.

14. The Secretariat welcomes the recommendation. According to the definition of a level I clinic, the facility should be staffed with the capability of splitting into two forward medical teams. Such clinics should therefore be equipped with two sets of essential diagnostic equipment in order to support both teams. The implementation of the recommendation will require the deployment of an additional set of some essential diagnostic equipment, at an annual wet lease cost estimated at some $2.200 million (see annex II to the present report).

5. Definition of the term "fully equipped ambulance"

15. The 2014 Working Group recommended that an automated external defibrillator (portable) and a pulse oximeter (portable) should be added to the requirements of a fully equipped ambulance deployed to a United Nations field mission. The generic fair market values of $2,633.87 for an automated external defibrillator (portable) and $192.52 for a pulse oximeter (portable) were recommended.

16. The Secretariat supports the recommendations, given that a fully equipped ambulance with a complete oxygen delivery system and a robust portable suction machine is now deemed a necessary requirement in order to keep the ambulance capability up to date and effective. The cost of implementing the recommendation is estimated at some $0.391 million per annum in reimbursement (see annex II to the present report), assuming the deployment of 885 ambulances.

B. Contingent-owned equipment system

1. List of special case equipment and recommended additional standard reimbursement rates for major equipment

17. The 2014 Working Group reiterated the recommendation of the 2011 Working Group that the value alone should not determine whether items of equipment are treated as special cases. It recommended that the Secretariat and troop- and police-

contributing countries should follow chapter 8 of the COE Manual when a new special case was proposed. It also recommended that the Secretariat should provide a list of special case items that should be included as additional major equipment before the 2017 meeting of the Working Group.

2. Composition of individual basic first aid kits

18. The 2014 Working Group recommended that individual basic first aid kits should be enhanced, at the discretion of contributing countries, to include combat gauze and combat application tourniquets.

19. The Secretariat supports the recommendation, given that troops and police in peacekeeping operations are continuously exposed to high-risk situations, such as ambushes and accidents, that can inflict serious trauma and other life-threatening injuries. The enhanced composition of individual basic first aid kits can enable troops and police to better manage such serious trauma, including bleeding, as a first aid measure before being attended to by trained medical personnel.

20. The individual basic first aid kit is one of the items required under personal clothing, gear and equipment currently reimbursed as a separate allowance as part of the personnel reimbursement framework. The Secretariat notes that the General Assembly, in its resolution 67/261, approved the recommendation that the reimbursement for clothing, gear and personal weaponry be consolidated in the new base rate of personnel reimbursement (see A/C.5/67/10, para. 93). In keeping with that resolution, the Secretariat has recently concluded a survey of existing troop and police personnel costs, including the cost of personal kit and equipment in sample countries. The results will be submitted separately to the Assembly for consideration during the second resumed part of its sixty-eighth session.

21. The Working Group also recommended that, in the column headed "equipment requirement" in chapter 3, annexes A and B, appendix 1, of the COE Manual, "first aid kit" should read "medical level basic first aid kit" and that the words "field dressing" and "medical disposable gloves" should be deleted because they were reimbursed under the personal clothing, gear and equipment allowance.

22. Such amendment would remove any ambiguity with regard to basic individual first aid kits being reimbursed under the self-sustainment category.

3. Administrative changes to chapter 9 of the COE Manual

23. The 2014 Working Group recommended deleting the text on performance standards and definitions for major equipment and self-sustainment in chapter 9, annexes D, E and F, of the COE Manual and inserting revised text making reference to the relevant annexes in chapters 2 and 3. It highlighted that the text in chapters 2 and 3 was duplicated in chapter 9 and made the COE Manual unnecessarily large, which resulted in more editorial work when it was updated. The Secretariat welcomes the recommendation.

4. Administrative changes to the COE Manual regarding the maintenance rate for medical modules

24. The 2014 COE Working Group recommended that the footnote in relation to the maintenance rate for medical modules should be calculated at 0.5 per cent of the

generic fair market value in accordance with the recommendations contained in document A/C.5/55/39 and Corr.1. The Secretariat supports the recommendation.

5. Staffing for level II hospitals

25. The 2014 Working Group recommended an increase to the staffing level for a level II hospital. Given that a level II hospital is the first level of medical care where surgical expertise is available, and where life-support services and hospital and ancillary services are provided within the mission area, the Working Group was of the opinion that there was a requirement in that regard to ensure sufficient technical medical skills and expertise for efficient medical coverage.

26. The Secretariat supports the recommendation, given that the current complement of personnel has been found to be insufficient for staff rotation in providing for constant medical care, on-call and support duties and the deployment of forward medical teams. Additional personnel requirements for level II medical facilities will need to be met from within the mandated ceiling for military personnel for each mission, without any increase to overall deployment levels. In this regard, it is noted that most currently deployed level II hospitals are already operating with staffing levels of approximately 63 personnel, subject to the operational requirements of the affected mission and negotiations of memorandums of understanding.

6. Introduction of specialized equipment for canine units

27. The 2014 Working Group recommended a detailed definition of a canine unit to be included in chapter 3 of the COE Manual. It would also be recognized as a special case in chapter 8. Canine units may be deployed within a formed police unit or as part of military contingents.

28. The Secretariat welcomes the recommendation, given that the definition will facilitate the deployment of enhanced canine capabilities.

7. Proposal on police crowd control vehicles and water cannon vehicles

29. The 2014 Working Group recommended the following amendments to the COE Manual:

(a) Additional specifications for a police crowd control vehicle in chapter 3, annex A;

(b) A definition of a water cannon truck in chapter 3, annex A, along with recommended generic fair market values and reimbursement rates for the various categories of such trucks in chapter 8, annex A (see A/C.5/68/22, para. 104 (b)).

30. The Secretariat welcomes the recommendation, given that police crowd control vehicles and water cannon vehicles are different from the requirements currently reflected in the COE Manual.

8. Amendment of the category of riot control equipment for military/infantry units

31. The 2014 Working Group recommended that the "company equipment" category of riot control equipment in chapter 8, annex A, of the COE Manual should be deleted and that three of the items currently contained therein should be moved

from that category to a new category entitled "other riot equipment". The remaining items, which were already listed as platoon equipment, would be deleted.

32. The Secretariat welcomes the recommendation, given that the duplication of the equipment under the platoon and company categories in the COE Manual can create confusion.

9. Administrative changes to the COE Manual regarding special case equipment

33. The 2014 Working Group recommended that chapter 8, annex A, of the COE Manual should be updated with the list of specialized equipment for aviation aircrew, in line with the recommendation of the 2011 Working Group (see A/C.5/65/16, paras. 133 and 134). The Secretariat supports the recommendation.

10. Proposal on mission factors

34. The 2014 Working Group recommended the revision of the current methodology and decision sheet for the calculation of the extreme environmental conditions factor to include a jungle and comparable conditions terrain profile. It also recommended that mission factors should be reviewed at least once every three years and that due consideration should be given to the suitability of assigning different mission factors for specific geographic areas within a mission, or consolidating geographic areas for which different mission factors had previously been assigned.

35. The Secretariat welcomes the recommendations. They will ensure the validity and fairness of the application of a wider range of mission factors in view of the current working conditions, size, complexity and different regional operating conditions within missions.

11. Provision of accommodation to troops by the United Nations

36. The 2014 Working Group recommended that the Secretariat should undertake a comprehensive review to identify the reasons why the Secretariat had not in all cases met the requirement to provide accommodation of agreed standards to all contingents, along with the measures taken by the Secretariat to meet the requirement. In addition, the Working Group recommended that the Director of the Office for the Peacekeeping Strategic Partnership should be requested to review the systemic issue and make recommendations to improve the welfare of the affected troops. The Working Group also recommended that the Secretariat should formally report each quarter in the meetings of troop- and police-contributing countries on the progress of action taken in meeting its obligations to provide accommodation to contingents.

12. Clarification of minor engineering tasks under self-sustainment

37. The 2014 Working Group recommended that the wording in the COE Manual should be more explicit with regard to arrangements relating to repairs of United Nations-owned equipment provided to contingents. It recommended that a footnote should be added in the "accommodation" category column in chapter 3, annexes A and B, appendix 16, table 3, of the COE Manual to state that a troop- or police-contributing country, with the prior agreement of the United Nations, shall be entitled to reimbursement of the actual and reasonable costs of carrying out the

repairs and maintenance of United Nations-owned equipment, upon presentation of supporting documentation and a claim. The Secretariat supports the recommendation.

13. Clarification of payment of actual costs for initial provisioning consumables and investigations terminology

38. The 2014 Working Group recommended amendments to the definitions in chapters 2 and 9 of the COE Manual of the term "initial provisioning" and modifications and changes to investigations terminology used in the COE Manual.

39. The Secretariat welcomes the recommendations, given that such changes avoid ambiguity and allow for a more consistent interpretation of the COE Manual.

14. Proposal on environmental compliance and waste management

40. The 2014 Working Group recommended that chapter 9 of the COE Manual, containing the model memorandum of understanding between the United Nations and participating States contributing resources to peacekeeping operations, should be amended to include a new article on environmental compliance and waste management.

41. The Secretariat supports the recommendation. Drawing from and building upon the approved United Nations environmental policy, field missions have already established, or are in the process of establishing, mission-specific environmental and waste management policies and procedures to better control this particular aspect of mission support operations.

III. Conclusion

42. The Secretariat expresses its appreciation to the 2014 Working Group for the enormous task that it undertook in reviewing the data and for the guidance that it provided. Alongside the continuing implementation of the revised personnel reimbursement framework approved by the General Assembly in its resolution 67/261, the proposed revised standards and procedures and other recommendations will benefit the Secretariat by improving the structure of the contingent-owned equipment system and providing more transparent and enhanced verification tools.

43. In preparation for the 2017 Working Group, the Secretariat requests that Member States submit national cost data no later than three months before the meeting in order to allow time for the consolidation and validation of such data. It also requests that issue papers be submitted no later than two months before the meeting.

IV. Actions to be taken by the General Assembly

44. **The actions to be taken by the General Assembly in connection with the report of the 2014 Working Group on Contingent-Owned Equipment (A/C.5/68/22) are set out below:**

(a) To approve the new reimbursement rates as listed in annex 1.1 for major equipment, annex 2 for self-sustainment and annex 5 for medical major equipment;

(b) To approve, at the expense of the United Nations, the rotation of certain categories of major equipment under prolonged and continuous deployment to peacekeeping missions for at least seven years or 50 per cent of its estimated useful life, whichever comes earlier;

(c) To approve the addition of a new self-sustainment rate for a gynaecology basic module;

(d) To approve the revised composition of and reimbursement rates for the equipment for forward medical teams at level I hospitals;

(e) To approve the definition of and reimbursement rates for a fully equipped ambulance;

(f) To approve the additional items to be included in the individual basic first aid kit;

(g) To approve administrative changes to chapter 9 of the COE Manual;

(h) To approve administrative changes to the COE Manual regarding the maintenance rate for medical modules;

(i) To approve the revised staffing levels for level II hospitals;

(j) To approve the definition of a canine unit and the introduction of such a unit as a special case item;

(k) To approve the definition of a police crowd control vehicle and the definition of and reimbursement rates for water cannon trucks;

(l) To approve the introduction of a new category of "other riot equipment" in the COE Manual;

(m) To approve the list of specialized equipment for aviation aircrew as a generic major equipment item;

(n) To approve the inclusion of a jungle and comparable conditions terrain profile in the decision sheet for the extreme environmental conditions factor;

(o) To approve the clarification of responsibilities for minor engineering tasks under self-sustainment;

(p) To approve the clarification for the COE Manual on the payment of actual costs of provisioning consumables and investigations terminology;

(q) To approve the proposal on environmental compliance and waste management.

Annex I

Recommendations of the 2014 Working Group on Contingent-Owned Equipment and of the Secretariat

Item	*Action to be taken by the General Assembly*	*Secretariat view*
1. Comprehensive review of contingent-owned equipment reimbursement rates	To approve the new reimbursement rates as listed in annex 1.1 for major equipment, annex 2 for self-sustainment and annex 5 for medical major equipment	Recommends approval
2. Rotation of non-functioning and older contingent-owned equipment at United Nations expense	To approve, at the expense of the United Nations, the rotation of certain categories of major equipment under prolonged and continuous deployment to peacekeeping missions for at least seven years or 50 per cent of its estimated useful life, whichever comes earlier	Recommends approval
3. Gynaecology basic module	To approve the addition of a new self-sustainment rate for a gynaecology basic module	Recommends approval
4. Forward medical teams	To approve the revised composition of and reimbursement rates for the equipment for forward medical teams at level I hospitals	Recommends approval
5. Definition of the term "fully equipped ambulance"	To approve the definition of and reimbursement rates for a fully equipped ambulance	Recommends approval
6. Amendment regarding individual basic first aid kits for troops	To approve the additional items to be included in the individual basic first aid kit	Recommends approval
7. Administrative changes to chapter 9 of the COE Manual	To approve administrative changes to chapter 9 of the COE Manual	Recommends approval
8. Administrative changes to the COE Manual regarding the maintenance rate for medical modules	To approve administrative changes to the COE Manual regarding the maintenance rate for medical modules	Recommends approval
9. Staffing for level II hospitals	To approve the revised staffing levels for level II hospitals	Recommends approval

Item	*Action to be taken by the General Assembly*	*Secretariat view*
10. Introduction of specialized equipment for canine units	To approve the definition of a canine unit and the introduction of such a unit as a special case item	Recommends approval
11. Proposal on police crowd control vehicles and water cannon vehicles	To approve the definition of a police crowd control vehicle and the definition of and reimbursement rates for water cannon trucks	Recommends approval
12. Amendment of the category of riot control equipment for military/infantry units	To approve the introduction of a new category of "other riot equipment" in the COE Manual	Recommends approval
13. Administrative changes to the COE Manual regarding special case equipment	To approve the list of specialized equipment for aviation aircrew as a generic major equipment item	Recommends approval
14. Proposal on mission factors	To approve the inclusion of a jungle and comparable conditions terrain profile in the decision sheet for the extreme environmental conditions factor	Recommends approval
15. Clarification of minor engineering tasks under self-sustainment	To approve the clarification of responsibilities for minor engineering tasks under self-sustainment	Recommends approval
16. Clarification of the payment of actual costs for initial provisioning consumables and investigations terminology	To approve the clarification for the COE Manual on the payment of actual costs of provisioning consumables and investigations terminology	Recommends approval
17. Proposal on environmental compliance and waste management	To approve the proposal on environmental compliance and waste management	Recommends approval

Annex II

Estimated financial implications of the implementation of the recommendations of the 2014 Working Group on Contingent-Owned Equipment

(United States dollars)

Service or item	*Estimated cost*
Annual recurrent cost for 2014/15	
Overall increase in contingent-owned equipment rates	
Major equipment: an increase of 0.59 per cent in the major equipment portion of peacekeeping budget estimates	2 918 398
Self-sustainment: an increase of 0.73 per cent in the self-sustainment portion of peacekeeping budget estimates	2 477 429
Rotation of non-functioning and older contingent-owned equipment at United Nations expense	12 500 000
Add a gynaecology basic module to level II hospitals	103 097
Additional diagnostic equipment for forward medical teams	2 204 499
Additional equipment to fully equip ambulances	391 209
Total annual cost of implementing the recommendations of the 2014 Working Group on Contingent-Owned Equipment	**20 594 632**

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Sixty-ninth year

Letter dated 7 April 2014 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 2 April 2014 addressed to you by Mehmet Dânâ, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Y. Halit **Çevik**
Permanent Representative

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Annex to the letter dated 7 April 2014 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I am writing in response to the letter dated 11 March 2014 addressed to you by the Greek Cypriot representative in New York and circulated as a document of the General Assembly and of the Security Council (A/68/795-S/2014/174), which yet again contains false assertions similar to those made in his previous letters. In order to set the record straight, I should like to bring the following to your kind attention.

At the outset, regarding the claims of so-called "infringements of international air traffic regulations" and "violations of the national airspace of the Republic of Cyprus by Turkey", I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the relevant authorities of the State, over which the Greek Cypriot Administration in South Cyprus has no jurisdiction or right of say whatsoever. The civil aviation authority of the Turkish Republic of Northern Cyprus is the sole competent authority to provide air traffic and aeronautical information services within its own national airspace. Similarly, the assertion raised in the said letter regarding the Turkish Cypriot ports is also unfounded, given the fact that the Greek Cypriot Administration has no jurisdiction or right of say over Northern Cyprus. This constitutes yet another attempt aimed at distorting the facts and the realities of the island. As noted in our previous letters, such allegations are based on the false and unlawful claim that the sovereignty of the Greek Cypriot Administration extends over the whole island, including the territory, national airspace and territorial waters of the Turkish Republic of Northern Cyprus. This pretentious contention by the Greek Cypriot side ignores the present realities on the ground, namely the existence of two independent, self-governing States on the island of Cyprus, each exercising sovereignty and jurisdiction within its respective territory.

As for the repeated false allegations regarding Ercan airport in the North, it should once again be underlined that the technologically up-to-date Ercan area control centre and airport in North Cyprus have been providing regular, reliable and safe air traffic services since the Greek Cypriot refusal in 1977 to provide air traffic services in the northern part of the island in line with its isolation policy that has been imposed on the Turkish Cypriot people. Ever since, all flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and permission of the Civil Aviation Department of the Turkish Republic of Northern Cyprus, over which the Greek Cypriot Administration in South Cyprus has no jurisdiction or control.

The legislation on aeronautical safety of the Turkish Republic of Northern Cyprus meets all International Civil Aviation Organization standards and recommendations, providing safe and swift navigation of aircraft landing at or taking off from Ercan airport, as well as using Turkish Republic of Northern Cyprus airspace. All airports in Northern Cyprus are in full conformity with international standards and necessary investments have been made to keep up with the developing technology. The number of air traffic controllers has been increased in accordance with the increasing number of flights over the years, and the Ercan area control

centre is in regular and close cooperation with the Ankara area control centre in order to ensure the safe conduct of all flights in the region. In 2013 alone, the number of passengers that used Ercan airport stood at almost 3 million, while the projected number of passengers for 2014 is 3.2 million. Moreover, in 2013, around 22,000 planes used Ercan airport for arrival and departure and 150,000 planes used Ercan advisory airspace. These numbers are expected to be around 23,000 and 165,000 respectively for 2014. In this respect, it must be stressed that the Turkish Cypriot side is committed to upholding the highest standards in the field of air navigation safety in full conformity with the Convention on International Civil Aviation of 1944 and that it is ready to cooperate with the Greek Cypriot authorities on this very important issue.

Continuous attempts by the Greek Cypriot side, through often-repeated false statements, to confer legitimacy upon the long-defunct "Republic of Cyprus" are futile since the Turkish Cypriot people will never give in to their unjust demands. What would indeed contribute to a better atmosphere on the island is for the Greek Cypriot side to stop misappropriating for itself the rights and responsibilities that it does not legally have and to cease its hostile acts against the Turkish Cypriot people. Moreover, the Greek Cypriot Administration should once again be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, and that its insistent denial of Turkish Cypriot rights in the north of the island does not bode well for the prospects of finding a just and lasting settlement of the Cyprus conflict in line with the established United Nations parameters, which envisage a new partnership on the basis of the political equality of the two peoples of the island within the framework of a bizonal, bicommunal federation with two constituent States of equal status.

Availing myself of this opportunity, I should like to call upon the Greek Cypriot side to discontinue its well-known propaganda tactics and focus on the full-fledged negotiations conducted under your good offices mission for a comprehensive settlement in Cyprus without further delay. As the Turkish Cypriot side, we are committed to maintaining our constructive and positive stance and encourage our Greek Cypriot neighbours to follow a similar path.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 42, and of the Security Council.

(*Signed*) Mehmet **Dânâ**
Representative of the Turkish Republic of Northern Cyprus

Report of the co-facilitators on the intergovernmental process on strengthening and enhancing the effective functioning of the human rights treaty body system

Introduction to and overview of the intergovernmental process

1. On 23 February 2012, the General Assembly adopted its resolution 66/254, entitled "Intergovernmental process of the General Assembly on strengthening and enhancing the effective functioning of the human rights treaty body system". In the resolution, the Assembly requested its President to launch, within the framework of the Assembly, an open-ended intergovernmental process to conduct open, transparent and inclusive negotiations on how to strengthen and enhance the effective functioning of the human rights treaty body system, and to appoint two co-facilitators to assist him in that process.

2. Following the discussions that took place during the sixty-sixth session of the General Assembly, the co-facilitators reported on the deliberations (see A/66/902), as requested in resolution 66/254. However, given the relatively short amount of time for Member States to deliberate on and consider the numerous issues raised during the intergovernmental process, no specific recommendations for action were finalized.

3. It was therefore recommended that the General Assembly decide to extend the intergovernmental process to its sixty-seventh session. In line with that recommendation, on 17 September 2012, the Assembly adopted by consensus its resolution 66/295 on extending the intergovernmental process.

4. During the sixty-seventh session, numerous consultations and briefings were organized. The details on the process are contained in the report of the co-facilitators (see A/67/995). As there was significant progress made during the sixty-seventh session, the co-facilitators recommended that the General Assembly decide to extend the intergovernmental process to mid-February 2014 in order to finalize the elaboration of an outcome document of the intergovernmental process. In line with that recommendation, the Assembly adopted on 20 September 2013 its resolution 68/2.

5. In resolution 68/2, in addition to extending the process, the General Assembly requested the Secretary-General to provide, by 15 November 2013, a comprehensive and detailed cost assessment to provide background context to support the intergovernmental process, based on, but not limited to, the report of the co-facilitators. That request was in line with the political will demonstrated by Member States during the entire process in ensuring that, in line with existing practice, any savings to the United Nations regular budget realized as a result of the measures set out in the intergovernmental process would be proposed by the Secretary-General for reallocation to the work of the treaty bodies. A background paper on the cost assessment was provided to Member States on 19 November 2013 and is contained in document A/68/606.

6. In a letter dated 6 November 2013, the President of the General Assembly appointed Greta Gunnarsdottir, Permanent Representative of Iceland, and Mohamed Khaled Khiari, Permanent Representative of Tunisia, to conclude the process on his behalf, in line with General Assembly resolution 68/2.

7. The co-facilitators invited Member States to a briefing on 17 December 2013 to provide them with an overview of their proposed workplan and an opportunity to engage the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Programme Planning and Budget Division of the United Nations Secretariat on the background paper.

8. The co-facilitators held several consultations during the sixty-eighth session of the General Assembly, with informal meetings held during the weeks of 13 to 17 January and 3 to 7 February 2014. In addition, numerous bilateral consultations and discussions were held on various aspects of the process.

9. In line with previous practice, the co-facilitators continued their engagement with the Chairs of the treaty bodies. The co-facilitators met the Chairs on 31 January in Washington, D.C., kindly hosted by the Chair of the Committee against Torture and the Dean of the American University Washington College of Law, Mr. Claudio Grossman. As on previous occasions, this engagement provided the co-facilitators with invaluable insight into the work of the treaty bodies and feedback by the Chairs on the proposals in the intergovernmental process.

10. The co-facilitators were very grateful for the constructive and cooperative feedback they received from all delegations during the informal consultations process. In formulating the final draft of the text on strengthening and enhancing the effective functioning of the human rights treaty body system (see draft resolution A/68/L.37), consideration was given to all of the various proposals and opinions expressed by Member States during the process, as well as views expressed by other stakeholders. It is the view of the co-facilitators that the final draft includes the most important and useful elements of the discussions within the intergovernmental process on achieving a common understanding on strengthening and enhancing the effective functioning of the human rights treaty body system.

11. The process was concluded on 11 February when the co-facilitators submitted the final text to the President of the General Assembly. That was done after the text had received no objections from Member States through a silence procedure initiated on 8 February. The present report provides an overview of the issues discussed in the intergovernmental process and provides the perspectives of the co-facilitators.

Overview of issues

1. Simplified reporting procedure (list of issues)
2. Submission of common core documents and regular updates
3. Coordinated requests for additional resources
4. Reduction in annual reports of treaty bodies
5. Aligned methodology for constructive dialogue between States parties and treaty bodies
6. Focused treaty body concluding observations
7. Strengthening the meetings of States parties
8. Reprisals

9. Review of good practices regarding the application of rules of procedure and methods of work
10. A standing national reporting and coordination mechanism
11. A handbook on expectations, availability and required workload and a centralized treaty body elections website
12. Nominations and elections of experts to the treaty bodies
13. Other measures to enhance the visibility and accessibility of the treaty body system
14. Friendly settlements
15. Establishment of a treaty body jurisprudence database on individual cases, including information on their follow-up
16. A joint treaty body working group on communications
17. Aligned models of interaction among treaty bodies, national human rights institutions and civil society organizations
18. Aligned consultation process for the elaboration of general comments/general recommendations
19. The treaty bodies' follow-up procedures
20. Adherence to page limitations
21. Enhancing the capacity of the Subcommittee on Prevention of Torture
22. Capacity-building activities
23. Webcasting to enhance the accessibility and visibility of treaty bodies
24. Videoconferencing
25. The reduction of translation of summary records
26. Open public space for all States parties to present their potential candidates or nominees for treaty bodies
27. Further institutionalization of engagement with other United Nations partners
28. Dual chambers
29. Calendars for reporting
30. Resources
31. Guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines")
32. Strengthening the meetings of the Chairs and their interaction with States parties
33. Facilitating the engagement of States parties with the treaty bodies
34. Multilingualism

Overview of issues discussed

The issues are put forward in no particular order and without prejudice to their importance. The narrative on each issue reflects the proposal put to the intergovernmental process, not the discussion in the intergovernmental process or the views of Member States. The conclusion of the co-facilitators follows the narrative in which a short reflection on the issue is supported by a conclusion that is based on the views of the co-facilitators after their consultations with Member States.

1. Simplified reporting procedure (list of issues)

The proposal for a simplified and aligned reporting process is a further refinement of what to date has been known as lists of issues prior to reporting. States parties would continue to be required to produce a comprehensive initial report if they opt for a simplified reporting procedure, but it is assumed that the simplified reporting procedure would remain optional. Treaty bodies would seek the agreement of a State party well in advance of the drafting of the simplified reporting procedure questionnaire, which would be prepared only with the formal agreement of the States concerned.

After the submission of the State party's replies, there would be no need for a further request for additional information, which is traditionally conveyed by most treaty bodies through a list of issues after States' reports has been submitted and before the consideration of its report, hence reducing the documentation and simplifying the reporting process for the committee, the Secretariat and the State party.

Conclusion

Through its specific requests for information, the simplified reporting procedure questionnaire has the potential to make States parties' reports more focused, requiring less time and effort on the part of States to respond to, and in turn having an impact on the constructive dialogue and subsequently resulting in concluding observations that are more targeted, precise and implementable.

The idea that the measure should be offered on an optional basis to States parties enjoyed general support. In addition, the treaty bodies should be encouraged to set a limit on the number of questions included, such as through a model simplified reporting procedure questionnaire containing a maximum of 25 questions/ 2,500 words, and focus on areas that the respective treaty body sees as priority issues for consideration in a given country at a given point in time.

2. Submission of common core documents and regular updates

It has been proposed that the submission of individual reports to each treaty body be replaced with the optional submission of a common base report that is common to all the treaties to which the State is a party, accompanied by the simplified reporting procedure. Reports submitted in accordance with the harmonized guidelines, including common core documents and treaty-specific documents, would enable each treaty body and State party to obtain a complete picture of the implementation of the relevant treaties, set within the wider context of a State's international human rights obligations, and would provide a uniform

framework within which each committee, in collaboration with the other treaty bodies, could work.

Conclusion

States parties should be encouraged to continue the practice of submitting common core documents and to update them regularly in line with the harmonized guidelines. States that accept the simplified reporting procedure should, in particular, be encouraged to keep their common core document up to date.

With respect to smaller updates and when possible, States parties should be encouraged to submit updates to their common core document in the form of an addendum to the original document, as this would imply savings with respect to the processing and translation of such an update (the translation of a few pages of an addendum instead of the translation of a full revised common core document). Finally, the need for a clear, common message from the treaty bodies on how to elaborate such common core documents and how they would be used by the treaty bodies was highlighted as a means to facilitate the preparation of such documents by States parties.

3. Coordinated requests for additional resources

The first treaty body calendars of meetings were established on the basis of reports received, rather than the total number of reports due in relation to each treaty. This has become the pattern for all the treaty bodies, with the result that any increase in meeting time has to be justified as an exception to the norm through an individual request to the Third Committee, rather than being approved within the parameters of the normal workload of a committee deriving from its treaty mandate.

The current practice fixes the problem in the short term only and will ultimately be far more expensive than implementing a structured proposal. The idea of addressing requests for adjustments of committee meeting time in a single, comprehensive annual or biennial request would introduce an element of flexibility into the current arrangement, allowing the treaty bodies to request an allocation of meeting time for each biennium based on the actual backlog of reports pending and projected rates of reporting by States. The aim would be to allow sufficient meeting time to be allocated in each biennium to prevent backlogs from becoming unmanageable. It would allow the long-term management of the workload in accordance with fluctuations in the receipt of reports and individual communications. For each biennium, the situation would need to be reassessed within the context of the regular budget submission. It would eliminate the ad hoc nature of the current requests for additional meeting time, making them a permanent feature of the budget-setting process.

Conclusion

See conclusion No. 30 on resources.

4. Reduction in annual reports of treaty bodies

Documentation requiring translation could be shortened if the volume of the annual reports were reduced. Currently, all separately processed concluding observations and other adopted texts are reproduced. The proposal is that treaty

bodies produce a simpler and shorter report which would include only a reference to those documents, not the actual texts.

Conclusion

A shorter annual report should be produced which would include only a reference to the relevant documents, not the actual texts of already published documents. This should not preclude the publication of decisions and information not produced elsewhere, such as decisions on changes in the working methods of the treaty body concerned, or as required under the treaty itself.

5. Aligned methodology for constructive dialogue between States parties and treaty bodies

The proposal is that treaty bodies adopt an aligned methodology, in the form of written guidelines, for the constructive dialogue between States parties and treaty bodies to maximize the use of the time available and allow for a more interactive and productive dialogue with States parties. Significant variations currently exist with regard to the methodology applied by the respective treaty bodies in the conduct of the constructive dialogue with States parties.

Conclusion

Treaty bodies should be encouraged to adopt an aligned methodology for the constructive dialogue between States parties and treaty bodies, bearing in mind the variations among the committees.

Such guidelines could contain the following elements:

- The allocation of an average of two meetings (six hours) for the interactive dialogue with a State party. The two sessions could be held on two consecutive days;
- The establishment of country task forces (taking geographical and gender balance into account, as well as the professional background of experts) or country rapporteurs for the examination of State party reports which would prepare for the dialogue with a State party, including through prior consultation among committee members;
- Questions to be clustered by themes;
- Strict limitation on the number of interventions, as well as on their length through the use of a speech timer;
- The dialogue for periodic reports could focus only on the most significant human rights issues and the follow-up given by States parties to the previous concluding observations;
- Enhancement of the prior communication between the State party and the treaty body to facilitate the dialogue;
- Chairs should continue to exercise their power to lead the dialogue effectively, including ensuring a balanced exchange between treaty body members and the State party delegation.

6. Focused treaty body concluding observations

The proposal is that treaty bodies be encouraged to formulate concluding observations containing concrete and achievable recommendations. There is a strong need to focus on priority concerns, and to make concluding observations more user-friendly for States parties as well as for all other stakeholders. At the country level, short, focused and concrete concluding observations can be more easily translated into concrete legislative, policy, programmatic and institutional improvements and facilitate national implementation.

Conclusion

Treaty bodies should be encouraged to adopt more focused treaty body concluding observations and, to this end, set up common guidelines, bearing in mind the variations among the committees.

The guidelines for focused conclusions could contain the following elements:

- The length of concluding observations should be reduced to achieve greater efficiency and impact. The word limit for in-session translations (3,300 words/six pages) could be used as guidance;
- The number of recommendations made in the concluding observations should be reduced to a maximum of 20 recommendations/2,500 words, and these should be focused on priorities;
- Concluding observations should be country-specific and targeted. Previous concluding observations should be the point of departure of each new reporting cycle;
- Concluding observations should reflect the issues raised by the treaty body concerned during the constructive dialogue;
- Recommendations for which implementation cannot be assessed should be avoided; instead, concrete guidance should be given regarding the steps needed to be taken to implement treaty obligations;
- Concluding observations should be divided between immediate and longer-term priority issues, based on a balance between urgency and the feasibility of addressing the different issues.

7. Strengthening the meetings of States parties

The proposal is that the dialogue of States parties at the regular meeting of States parties be strengthened, for example, through the inclusion of a regular agenda item on those issues that affect the full and effective implementation of the treaty. The Convention on the Rights of Persons with Disabilities is the only treaty that explicitly lays out the continued role of its States parties. The meetings of States parties could be strengthened further and provide for discussions on matters falling under the purview of the treaty provisions. States parties could discuss the state of implementation of the respective treaty, for example, through a discussion on good practices, thematic discussions, etc. The meetings could also offer an opportunity for an exchange of views between treaty body experts — for example, the Chair and Vice-Chair — and States parties.

Conclusion

The meetings of States parties should be strengthened. This should be done by using existing resources such as through the current biennial meeting of States parties that takes place for the purpose of electing treaty body experts. Discussions could be held on such issues as the reporting obligation of States parties, relevant best practices and a question-and-answer session with members of the respective committee or the Chair of the committee.

8. Reprisals

Treaty bodies have been called upon to take all measures necessary to prevent reprisals against human rights defenders, victims and witnesses and to take appropriate action to provide remedies. Treaty bodies do not have a harmonized approach on this important issue, and the proposal is that it be addressed in a consistent manner through a coordinated approach.

In order to safeguard the interaction of all stakeholders with the treaty bodies and ensure protection in case of reprisals against human rights defenders, the proposal is that each treaty body appoint a focal point among its membership to draw attention to such cases.

Conclusion

It is the view of the co-facilitators that there was general agreement among Member States that no individual or organization should suffer reprisals and that States should be urged to take all appropriate action to prevent and eliminate such violations.

9. Review of good practices regarding the application of rules of procedure and methods of work

With more communications procedures being established, a review of good practices could be undertaken, which could be of use in relation to the working methods used in dealing with individual communications. The idea would be to present common written guidelines on procedural matters related to the handling of individual communications and the conduct of inquiries for all treaty bodies with a complaint procedure. This idea was supported at the treaty body experts' meeting on petitions held in October 2011. A common approach to inquiry procedures could greatly assist treaty bodies, States parties and other actors in effectively dealing with the issues arising from them, as well as provide consistency and legal certainty in the handling by treaty bodies of procedural issues related to individual communications and inquiries.

Conclusion

The treaty bodies should continue to be encouraged to keep their working methods under review with a view to exploring ways to make them as coherent as possible in order to facilitate State party reporting and response to individual communications. Reviews of good practices could be undertaken, which could be of use in relation to improving the working methods of the different treaty bodies. This should, however, not be done exclusively for individual communications and should take into account the different legal provisions of the treaties. Additionally, this

review should bear in mind that these activities should fall under the provisions of the respective treaties, thus not creating new obligations for States parties.

10. A standing national reporting and coordination mechanism

The growth of the treaty body system and the establishment of the universal periodic review mechanism in 2008 have led to an exponential growth in the number of reports to be submitted and the number of recommendations to be implemented by States parties. In order to address these challenges, some States have established a permanent mechanism to lead, coordinate, consult on and monitor the preparation of their periodic reports and the implementation of recommendations from treaty bodies and other human rights mechanisms. Further, some States have given the mechanism a basis in law, to ensure continuity and stability and to oblige the active cooperation of all relevant government ministries. Many others, however, continue to rely on ad hoc arrangements that are disbanded after the submission of the report(s) that they were established to prepare.

The proposal is that States parties be encouraged to establish or reinforce a standing national reporting and coordination mechanism, aimed at facilitating both timely reporting and improved coordination in follow-up to treaty bodies' recommendations and decisions. Standing national reporting and coordination mechanisms could deal with reporting to all United Nations human rights mechanisms with the objective of achieving efficiency, coordination, coherence and synergies at the national level. In addition, the standing national reporting and coordination mechanism could further analyse and cluster recommendations from all human rights mechanisms, thematically and/or operationally (according to the institution(s) responsible for implementing them), identify relevant actors involved in the implementation of the recommendations and guide them throughout the process.

Conclusion

Owing to the various needs and country situations of States parties, a single, unified model of a standing national reporting and coordination mechanism would not be feasible or practical. However, the benefit of a more coordinated approach to reporting, adjusted to the specific needs of the State, has been demonstrated by a number of Member States during the discussions.

Technical assistance could be provided to States parties that request such assistance in the establishment of such a reporting and coordination mechanism at the national level. In the same way, OHCHR could disseminate best practices on such mechanisms to inform States parties on how they can assist with reporting in different contexts.

11. A handbook on expectations, availability and required workload and a centralized treaty body elections website

OHCHR stands ready to develop a handbook setting out established facts and information on the elections process, conditions and other relevant requirements pertaining to membership in treaty bodies. It would highlight practical expectations and workloads for treaty body experts. A handbook would also contain all essential practical information relating to the discharge of their functions and mandate for

members of treaty bodies, such as procedures, working methods, and entitlements and expectations of members.

A handbook on expectations, availability and required workload of treaty body members could be made available to States parties and all interested potential candidates prior to the national nomination process and the subsequent elections through a centralized and user-friendly OHCHR treaty body elections webpage. Such a webpage would provide practical information on vacancies in the treaty bodies, forthcoming elections and candidates who have been nominated.

Conclusion

See conclusion No. 12 on elections.

12. Nominations and elections of experts to the treaty bodies

A number of ideas were presented on how to improve the process of the nomination and election of experts to the treaty bodies, including national initiatives to ensure transparency and the nomination of highly qualified experts, the election process and terms for treaty body experts. These ideas include:

(a) Adopting national policies and processes with respect to the nomination of experts as candidates for treaty body membership. It has been suggested that such national policies include:

(i) Nominating candidates through an open and transparent selection process from among persons who have a proven record of expertise in the relevant area;

(ii) Avoiding nomination or election of experts while they hold positions that might expose them to pressures or conflicts of interest;

(b) Limiting the terms of service of experts to a reasonable number of terms for a respective committee, bearing in mind that the most recent treaties allow a maximum of two terms;

(c) Achieving more diverse committees through the setting of geographical, gender and background quotas for members, as in United Nations models that allocate seats to the five regional groups.

The provisions of the treaties vary with regard to the qualifications expected of nominees. While all the treaties require that consideration be given to equitable geographical distribution, some also mention other criteria such as representation of the different forms of civilization and the principal legal systems, balanced gender representation and participation of experts with disabilities.

Conclusion

The process of the nomination and election of experts could be further improved, as follows:

(i) Member States could be encouraged to continue to select highly qualified experts and, as needed, consider adopting national policies or processes with respect to the nomination of experts as candidates for treaty body membership;

(ii) OHCHR should prepare an information note containing information on practical issues including with regard to the duties of members. When elections are coming up, this note should be distributed to all States that have the authority to nominate candidates as well as potential candidates. It should also be made publicly available;

(iii) Information should be provided by the secretariat before each election on the current composition of the respective committee. This information should include the current distribution of experts according to region, gender and professional background. Additionally, it should provide information on the years of service of experts;

(iv) The current form of the election of experts to the Committee on Economic, Social and Cultural Rights by the Economic and Social Council should be reconsidered, as it potentially allows non-States parties to elect experts. The election of experts to the Committee should take place at a meeting of States parties. This change would, however, not affect the current structure, organization and administrative arrangement of the Committee.

A number of delegations were in favour of enforcing the provisions in the treaties regarding equitable geographical representation through geographical quotas, while others opposed such quotas since they would require an amendment to the treaties.

13. Other measures to enhance the visibility and accessibility of the treaty body system

The proposal is that a designated communications officer be established to design a media and communication strategy with a view to increasing the visibility and promoting an enhanced profile of the treaty bodies, better dissemination of the treaty bodies' outputs and improved transparency and increased predictability. This would allow for easier access to treaty body information, including for persons with disabilities, and therefore greater engagement and interaction between States and other stakeholders and the treaty bodies.

Conclusion

OHCHR should undertake measures to enhance the visibility and accessibility of the treaty body system. This should, however, be done using its existing communication strategy, in line with its mandate and the role of the treaty bodies and within existing resources.

14. Friendly settlements

At a meeting of experts on petitions held in October 2011, experts noted the lack of established practice on the facilitation of amicable and effective solutions ("friendly settlements") by the treaty bodies. Experts suggested that treaty bodies consider providing space for friendly settlements within the individual communications procedures so as to avoid contradictory procedures before the treaty bodies and to promote the reaching of friendly settlements. Of all treaty body-based individual communications procedures, only the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of the Child on the involvement of

children in armed conflict provide for the possibility of friendly settlements. In practice, other treaty bodies may suspend the consideration of an individual communication if the parties are engaged in a friendly settlement process.

Conclusion

The treaty bodies should not be encouraged to consider providing space for friendly settlements. This is because all domestic remedies should be exhausted before an individual communication can be considered by a treaty body that accepts individual communications, including friendly settlements. Additionally, there was no general agreement among Member States on how such a mechanism for friendly settlements could be put into place.

15. Establishment of a treaty body jurisprudence database on individual cases, including information on their follow-up

At the experts' meeting on petitions held in October 2011, experts underlined the need for a well-functioning jurisprudence database on individual cases. Since June 2010, OHCHR has made progress on the development of such a database. The database would allow for greater accessibility of treaty body jurisprudence on individual cases for treaty body members, States parties, civil society, academics and other stakeholders. It is being developed on the same platform as the Universal Human Rights Index.

The proposal is for the establishment of a well-functioning and up-to-date treaty body jurisprudence database on individual cases, searchable in all six official United Nations languages, and for the redesigning of the OHCHR webpages on the individual complaint procedures of the treaty bodies to make them more accessible.

Conclusion

There was no general agreement among Member States on a jurisprudence database on individual cases and how such a database should be structured or funded. Some Member States questioned the legal basis of the database, while others highlighted its importance for improving access to the complaint procedures.

16. A joint treaty body working group on communications

The Committee on the Elimination of Racial Discrimination, in its letter of 9 March 2012, proposed the creation of a joint treaty body working group on communications, composed of experts of different treaty bodies. Currently, two treaty bodies (the Human Rights Committee and the Committee on the Elimination of Discrimination against Women) have between them a total of five weeks of dedicated meeting time annually to discuss individual cases and make recommendations for adoption to the plenary. The Committee against Torture, the Committee on the Rights of Persons with Disabilities and the Committee on the Elimination of Racial Discrimination deal with individual communications within their plenary meetings, as will the Committee on Enforced Disappearances, the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights when communications start arriving. With the multiplication of individual communications procedures, there is an increased need for coherence in treaty bodies' jurisprudence within the dictates of their treaty body mandates.

Conclusion

This proposal poses a number of legal and practical questions with regard to the handling of individual communications by each committee. Additionally, there was no general agreement among Member States on the establishment of a joint treaty body working group on communications.

17. Aligned models of interaction among treaty bodies, national human rights institutions and civil society organizations

National actors, such as national human rights institutions and civil society organizations, can play an integral role in the cyclical engagement with the treaty body reporting process by providing information, creating awareness and following up on the implementation of recommendations. However, the effective engagement of national human rights institutions and civil society organizations with the treaty body system is hampered by numerous factors, including the fact that each treaty body has different engagement rules. The proposal is for one aligned model of interaction that could contain the following elements:

- Formal meetings with civil society organizations and national human rights institutions could take place during the official public meeting time, scheduled on the first day of the week, regarding the State party reports that might be scheduled for consideration during that week. As these would be formal meetings, the interventions would be officially recorded, interpretation would be provided for and State party representatives could hear the interventions of their countries;
- One-hour private lunchtime briefings, organized by civil society organizations, could be scheduled on the day prior to the consideration of the State party's report. This model is already followed by several committees;
- Civil society organizations and national human rights institutions could be requested to provide coordinated and more focused submissions to the treaty bodies, of a maximum of 10 pages for single reports and 30 pages for joint submissions, in a timely fashion, and to organize their interventions in a coordinated manner, with the understanding that the submissions would not be translated.

Conclusion

An aligned model of interaction between treaty bodies and national human rights institutions, as well as civil society organizations, could be beneficial for all stakeholders. Such unified engagement should however, not preclude additional efforts by individual committees, such as the Committee on the Rights of the Child, which has a well-established mechanism to consult stakeholders, including through the United Nations Children's Fund (UNICEF). Nevertheless, there was no consensus among Member States on the issue or on how such an aligned model of interaction should be prepared and what it should contain.

18. Aligned consultation process for the elaboration of general comments/general recommendations

The proposal is that treaty bodies adopt an aligned process of consultation with States parties, United Nations entities, national human rights institutions and civil

society organizations during the elaboration of general comments, including requesting them to provide written contributions and/or participation in general days of discussion. All committees have adopted the practice of setting out their views regarding the content of the obligations assumed by States parties in the form of general comments or general recommendations. These have evolved in terms of length and complexity and now constitute detailed and comprehensive commentaries on specific provisions of the treaties and on the relationship between the articles of the treaty and specific themes/issues. By issuing general comments, treaty bodies seek to make the experience gained so far through the examination of States parties' reports and, when relevant to individual communications, available for the benefit of all States parties, in order to assist and promote their further implementation of the treaties. All treaty bodies regularly seek expert advice outside the committee during the elaboration process. In this regard, committees hold days of general discussion or informal meetings to which States, in most cases, are invited to participate as observers. In some cases, the draft general comment/general recommendation is placed on the website and contributions are sought in writing from all stakeholders.

Conclusion

An aligned consultation process during the elaboration of general comments would facilitate the input and elaboration of such general comments. Such an aligned consultation process should be made as accessible as possible and could include participation in general days of discussion. In addition, the draft general comment/general recommendation could be placed on the website of the relevant treaty bodies, and contributions should be sought in writing.

19. The treaty bodies' follow-up procedures

All treaty bodies request States parties to provide information on the implementation of the recommendations contained in previous concluding observations in their subsequent reports. Four committees (the Human Rights Committee, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Elimination of Racial Discrimination) have adopted formal procedures to monitor the implementation of specific recommendations contained in concluding observations between periodic reports. At least one other treaty body is currently considering adopting such a follow-up procedure. Furthermore, at the twelfth inter-committee meeting and the twenty-third meeting of the Chairs of human rights treaty bodies, it was highlighted that with regard to periodic reports, previous concerns and recommendations should be the point of departure for the new concluding observations so as to ensure a clear assessment of the progress made by the State party since the previous review. This constitutes an inherent follow-up mechanism for the treaty bodies in the context of the review of periodic reports.

Similarly, all treaty bodies with a mandate to consider individual communications request follow-up information, within a specified time frame, from the State party concerned in all cases in which a breach of the respective treaty is found. If there is, however, certainty that the next reports will be examined as scheduled, the treaty bodies that regularly use a follow-up procedure will be less compelled to request additional inter-sessional information. Irrespective of whether a comprehensive calendar is adopted, the follow-up procedures could be simplified

and improved. The follow-up to concluding observations as well as individual communications procedures could, at a minimum, be aligned across treaty bodies. Treaty bodies could adopt common guidelines for these procedures.

Conclusion

Efforts should be made, through a comprehensive, long-term solution, to diminish the need for treaty body follow-up by including it, to the extent possible, as a part of the regular review of States. Previous concerns, questions and recommendations should be the point of departure for a list of issues and the new concluding observations of a State party, so as to ensure a clear assessment of the progress made by the State party since the previous review. Additionally, efforts should be made towards an aligned approach and common guidelines for more focused and simplified follow-up procedures.

20. Adherence to page limitations

Most United Nations documentation is subject to page limitations to which State party reports submitted to the treaty bodies are currently not subjected. In 2006, the harmonized guidelines on reporting under the international human rights treaties established that "if possible, common core documents should not exceed 60-80 pages, initial treaty-specific documents should not exceed 60 pages, and subsequent periodic documents should be limited to 40 pages". The proposal is that these guidelines be strictly adhered to.

Conclusion

Adherence to limits on the number of pages should be observed by all stakeholders in the reporting process, States parties and treaty bodies. Limits should therefore be placed on national reports and common core documents in line with the harmonized guidelines on reporting. Additional information could be included in an annex to the national report, which would not be translated. To allow States parties to adhere to these limits, the treaty bodies would need to set a limit on the number of questions posed, focusing on areas that are seen as priority issues.

Additionally, limits should be placed on all documentation produced by treaty bodies, such as individual communications, lists of issues (as previously proposed, it could be 25 questions/2,500 words), general comments and concluding observations. It is also recommended that page limits be applied for relevant stakeholders to facilitate the work of the treaty body experts.

21. Enhancing the capacity of the Subcommittee on Prevention of Torture

The core of the work of the Subcommittee on Prevention of Torture, which distinguishes it from the nine other existing treaty bodies, is to carry out visits to places of deprivation of liberty, in accordance with article 1 of the Optional Protocol to the Convention against Torture. The Subcommittee's core mandate also includes the provision of assistance and advice to the national preventive mechanisms to be established or designated by each State party one year after the entry into force of the Optional Protocol, or its ratification or accession.

Despite the rapid increase in the number of ratifications of and accessions to the Optional Protocol (63 States parties), its increased membership since January

2011 and the related workload, the Subcommittee was able to undertake only three regular field visits in 2011 and three regular visits and three advisory visits related to national preventive mechanisms in 2012. At such a slow pace of visits by the Subcommittee, each State party would receive a regular preventive visit only every 21 years.

Conclusion

The capacity of the Subcommittee should be strengthened in line with the increased membership and ratification of the Optional Protocol. In the short term, this should be done by allocating the required staff to the Subcommittee to support its field visits. In the long term, however, the information on the resourcing and capacity of the Subcommittee should be included in the comprehensive biennial request. This is in line with the need to ensure predictability through a common request for all the treaty bodies to allow for the long-term management of their workload.

22. Capacity-building activities

Over 20 requests for capacity-building activities are positively responded to by OHCHR headquarters on average per year, often in partnership with OHCHR field offices and other United Nations field presences or entities (such as the United Nations Development Programme (UNDP), the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), UNICEF or the Department of Peacekeeping Operations). In addition to technical support for national actors in reporting to and cooperating with the human rights treaty body system, a number of OHCHR field presences offer direct assistance to States and other stakeholders on treaty work and cooperation with treaty bodies, including assisting States in their implementation of recommendations.

This is done increasingly in partnership with United Nations country teams and the Resident Coordinator, and more and more in cooperation with regional organizations and the donor community, including development funds. Additionally, OHCHR conducts a number of regional workshops on the follow-up to treaty bodies, special procedures and universal periodic review recommendations. This promotes a coordinated approach to the implementation of recommendations by all the international human rights mechanisms, with the aim of fostering the exchange of good practices and equipping participants with methodological and technical tools to assist them in clustering, prioritizing and integrating recommendations from various United Nations human rights mechanisms into a follow-up strategy at the national level.

Technical assistance has become increasingly complex, owing to the specificities of each of the nine core international human rights treaties and the optional protocols thereto. This requires specialized capacities to be developed and/or strengthened in various ministries and areas of work of State authorities as well as among national human rights institutions, civil society actors and the United Nations, especially United Nations country teams.

The proposal is that OHCHR further refine its capacity-building strategy to assist States parties in a sustainable and effective manner in meeting their reporting obligations. This can be achieved only if it is nationally owned and properly integrated.

Conclusion

A key element for strengthening the effective functioning of the human rights treaty bodies is that it be accompanied with significantly strengthened capacity-building. It is essential to enable developing countries and small States with limited human and technical resources to comply with their reporting obligations.

A comprehensive capacity-building strategy is required to increase the reporting of States parties to the treaty bodies, as well as for the implementation of recommendations that have been received by States parties. Such a capacity-building strategy should be developed by OHCHR, in cooperation with other relevant United Nations agencies in line with their mandates, such as UNICEF, UN-Women and UNDP. It should be developed on a biennial basis, and information on its implementation should be included in the biennial report referred to in conclusion No. 30, on resources. Such a strategy should be operationalized, for example, by:

- Organizing national, subregional and regional workshops for the responsible government entities preparing the national report of a State party;
- Disseminating best practices and lessons learned as regards the preparation of national reports;
- Training of trainers at the national level and, when resources permit, at the regional level within regional organizations such as the African Union and the Caribbean Community;
- Maintaining international and regional rosters which could be tapped into after receiving a request for capacity-building from a Member State;
- Expanding the engagement of OHCHR in trilateral cooperation for capacity-building and supporting and benefiting from South-South cooperation;
- Increased partnership with the United Nations country teams, the Resident Coordinator or the individual United Nations agencies present in order to ensure the full involvement of all United Nations actors.

The suggested implementation of the above measures is outlined in the background comprehensive and detailed cost assessment paper (A/68/606, paras. 40-50).

For the least-reporting States parties, special measures need to be taken to support their ability to report. To adjust a reporting calendar for these States parties does not as such ensure reporting by the State party concerned. It must also be taken into account that a review without the participation of the State party does not advance the human rights obligations as contained in the respective treaty.

What is needed is dedicated technical assistance to those States parties to assist them with fulfilling their obligations. Such dedicated capacity should put particular emphasis on assisting States parties with their initial reports and those who have not reported for a significant amount of time. Additionally, such technical assistance could entail assisting the State party in having a constructive dialogue in the absence of a periodic report, if the State party is unable to prepare such a report.

Whenever possible and according to funding levels, technical assistance and capacity-building should be within the existing workplans of OHCHR in countries where the Office has a presence and at headquarters. At the same time, it is clear

that the increased support of States for the capacity-building activities of the United Nations system, in particular those of OHCHR, is required to assist States parties in meeting their reporting obligations and support them in the implementation of the treaty bodies' recommendations.

23. Webcasting to enhance the accessibility and visibility of treaty bodies

Treaty bodies have requested that the United Nations provide webcasting services for all public meetings and videoconferencing technologies to facilitate their work and enhance their impact, including improved access, cooperation and participation, in a similar fashion as in the Human Rights Council, which has been webcast since 2006. It has been proposed that all public meetings of the treaty bodies be webcast. This includes the consideration of States parties' reports and days of general discussion, as well as discussions on draft general comments. The current, ad hoc webcast system involves the live streaming of conference proceedings through the Internet to United Nations Headquarters, and session/speaker-by-speaker archiving of the video footage on external servers. Each video clip is added into a content management system for archiving and retrieval. Webcasting is generally provided in the language of the speaker and in English.

Establishing a webcast capacity in Geneva for treaty bodies would involve the installation of cameras, integrated into the audio/interpretation system in meeting rooms, as well as the installation of cabling, computer equipment and software in addition to additional server capacity for archiving. At present there is no standing capacity, in terms of either infrastructure or staffing, to provide this service at the United Nations Office at Geneva, and all webcasting services provided to the Human Rights Council are handled on an ad hoc basis.

Conclusion

New technologies could offer tremendous opportunities, not only in terms of increased visibility and interaction, but also in terms of impact, ownership and, ultimately, enhanced implementation. Webcasting the treaty bodies' public meetings is supported as a means to enhance the accessibility and visibility of the dialogue between States parties and treaty bodies and create a greater sense of ownership among all stakeholders.

Webcasting should therefore be provided to the public meetings of the treaty bodies in all languages of the respective committee, in accordance with the report of the Committee on Information on its thirty-fifth session.[1] This system is currently being tested in New York and, once fully tested, could be implemented for the treaty bodies in Geneva. The use of closed captioning has been successfully piloted in the Committee on the Rights of Persons with Disabilities. The current capacity is in English only. However, there are new systems being tested that have the possibility of automated captioning in languages in addition to English.

The Committee on the Rights of Persons with Disabilities has demonstrated its openness to new technologies, and, once these systems have been tested it could be proposed that the Committee pilot captioning in languages in addition to English. This should be done with a view to eventually providing closed captioning in all of the United Nations official languages and to providing a verbatim record of the

[1] A/68/21. General Assembly resolution 68/86 A-B, sect. IV, para. 64.

meetings that would replace summary records. The status of implementation of this conclusion should be included in the first biennial report referred to in conclusion No. 30, on resources.

24. Videoconferencing

The availability and option of videoconferencing would provide an opportunity for States parties' delegations to have additional representatives from their capitals engage with the treaty bodies and benefit from the expertise and guidance of the experts, thus strengthening the participation of delegations in treaty body sessions. The increased expertise made available in real time could also enhance the ability of States to respond to questions posed by the experts during the consideration of a report and therefore improve the overall quality of the dialogue. Finally, videoconferencing would facilitate the participation of all stakeholders at all stages of the reporting process, thus building increased and sustainable capacity on the part of all to cooperate with the treaty bodies.

Conclusion

The installation and setting-up of equipment for webcasting should be used to support the availability of videoconferencing at the request of the State party. When appropriate and required, United Nations field offices should facilitate this form of interaction by providing access to their videoconferencing facilities.

25. The reduction of translation of summary records

Summary records are the official records of meetings compiled by précis-writers dispatched by conference management. Summary records are not verbatim records, but a condensed version of meeting proceedings. Treaty bodies currently have slightly different practices with regard to their entitlement to and use of summary records. While summary records should be translated into all six official United Nations languages, the limited resources available have resulted in significant backlogs in translation. There are also audio recordings of proceedings.

Conclusion

Summary records should be issued in one of the working languages of the United Nations for those meetings for which the treaty body currently requests summary records, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies. However, at the request of a State party, a summary record of a meeting of a State party with the treaty body should be translated on demand to the official language used by the State party. This should be seen as a transitional measure with a view to eventually providing through alternative methods, such as closed captioning, verbatim records of the meetings of the treaty bodies in all of the United Nations official languages. Additionally, the backlog of summary records should not be translated as of 2014.

26. Open public space for all States parties to present their potential candidates or nominees for treaty bodies

The proposal is that an open public space be set up for all States parties to present their potential candidates or nominees for treaty bodies using modern technologies including social media. This space would be moderated by five former

treaty body members with various professional backgrounds reflecting adequate balance in terms of sex, region and legal system. To ensure an objective process and respect for the independence of the system, the meeting of the Chairs could be entrusted with the selection of these experts. The process could enhance the quality of information available to States parties with regard to the credentials of interested candidates or actual nominees for a seat on one of the treaty bodies. Furthermore, it could provide equal opportunities to all candidates, including those from developing countries, to present their candidacies.

Conclusion

Further availability of information on all candidates to the treaty bodies could improve the current process of the nomination and election of experts. There was, however, no agreement in the intergovernmental process on whether the proposal for an open public space would address this need or duplicate existing measures.

27. **Further institutionalization of engagement with other United Nations partners**

Further institutionalized cooperation of treaty bodies with other United Nations entities could provide more efficient support to the State party and other stakeholders in the preparation, review and follow-up to a State party review by a treaty body. The proposal is that treaty bodies, as far as possible and within their mandate, encourage and facilitate improved United Nations support for the treaty bodies' processes, align their diverse procedures of interaction with United Nations entities and develop jointly agreed upon generic guidelines for country-specific written submissions, including templates for joint submissions and oral briefings. Such support could build on each United Nations entity's comparative advantage in terms of its specific mandate, area of expertise and geographic presence, as well as drawing on the collective strengths of the system through the United Nations country teams. Institutionalization could lead to strengthened and systematized interactions of the United Nations system with all human rights treaty bodies, in support of the States parties and related stakeholders, through cyclical engagement in preparation, dialogue and follow-up.

Conclusion

Currently, many United Nations agencies (in particular, UNICEF and UN-Women) provide significant support to States parties at their request, with regard to their obligation to report to the human rights treaty bodies, as well as their follow-up to recommendations. In addition, the United Nations country team and the United Nations Development Group assist OHCHR in carrying out its mandate at the national level.

Such assistance could be further strengthened and such cooperation should be systematized to provide more efficient support to the State party and other stakeholders in the preparation, review and follow-up processes. Such support should build on each United Nations entity's comparative advantage in terms of its specific mandate, area of expertise and geographic presence, as well as drawing on the collective strengths of the system through the United Nations country teams.

To encourage and facilitate improved United Nations support for the treaty bodies' processes, treaty bodies and the Office of the High Commissioner could align, as far as possible and within their mandates, their diverse procedures of

interaction with United Nations entities and develop jointly agreed upon generic guidelines. This could build on the best practice of UNICEF work with the Committee on the Rights of the Child.

28. Dual chambers

The proposal is that treaty bodies be encouraged to work in double chambers or two working groups when possible. This would split their memberships in two, with half of the membership attending each chamber for the review of a State party report. Either the chamber could both review the report in full and adopt concluding observations, or the review could take place in dual chambers and the concluding observations could then be discussed in plenary, with all members participating.

Given the experience of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women a double-chamber system can increase the number of State party reports reviewed during a session between 70 and 80 per cent by condensing more reviews per session. On the basis of its positive experience, the Committee on the Rights of the Child requested, in its decision No. 10 of 11 February 2011, to continue to work in dual chambers in order to stop the backlog of reports from growing further and possibly address the backlog and encourage timely reporting. The proposal has also been presented as an alternative to an increase in meeting time for some of the treaty bodies to address the backlog of reports. This is due to the concern expressed regarding the availability of treaty body members to attend more meetings per year without receiving financial compensation.

Conclusion

The larger treaty bodies could be encouraged to work in dual chambers when possible and as necessary, taking into account the balance between the chambers with regard to the geographical distribution, gender and professional background of the experts. Despite some of the shortcomings of such a system, it is one of the few ways to increase the capacity of the treaty bodies without addressing the concern expressed regarding the availability of treaty body members to attend more meetings per year without receiving financial compensation. This is also at the explicit request of some of the larger treaty bodies, which have discussed dual chambers as not only an efficient way to organize their work, but the only way to address the backlog of reports effectively. There was, however, no agreement in the intergovernmental process on whether the proposal for dual chambers would address the need as set out above or duplicate existing measures.

29. Calendars for reporting

The proposal on a comprehensive calendar is aimed at comprehensively addressing multiple challenges facing the reporting process established under the treaties. It is also aimed at providing certainty and increased efficiency for States parties in terms of scheduling the review of their reports and reduces the need for the treaty bodies to continually request additional meeting time. Section 4.1 of the report of the High Commissioner elaborates on this proposal. In addition, the question-and-answer paper on the master calendar provided by OHCHR clarifies a number of questions posed by delegations.

The estimated additional resources required for the comprehensive calendar would represent an increase of approximately $52 million compared with the existing budget allocations based on a five-year periodicity of reporting. An overview of the impact of cost-saving measures on that estimate can be found in annex 3 to the informal question-and-answer paper on the master calendar provided by OHCHR.

The fixed nature of the comprehensive calendar is its most important feature, providing for predictability and stability in reporting for both States parties and treaty bodies. Additionally, it allows for the efficient use of resources by the treaty bodies. This predictability has been seen by many Member States as a desirable feature of any future format of the human rights treaty body system. However, a number of States have questioned how the comprehensive calendar could be put into place, given the periodicity set out in the treaties, which remains incompatible, and the large amount of resources required to service such a calendar, as well as the issue of how such a calendar would address non-reporting.

Conclusion

Various views and questions were raised in the intergovernmental process on different proposals for calendars for reporting, with some questioning the practical ability of the system to put such a system in place while others supported the predictability such calendars would bring. Increased coordination and predictability in the reporting process would be beneficial for all stakeholders in the process. There was, however, no agreement in the intergovernmental process on whether the proposal for a calendar for reporting would address the need as set out above or duplicate existing measures.

30. **Resources**

With respect to the allocation of resources towards the treaty body system, a number of United Nations offices have been tasked with carrying out this function, including OHCHR and the Division of Conference Management in Geneva. OHCHR, in particular through its Human Rights Treaties Division, is the United Nations entity responsible for the overall support provided to the human rights treaty bodies, while the Division of Conference Management of the United Nations Office at Geneva provides conference services in general, including to the treaty bodies. Furthermore, the United Nations Information Service in Geneva has the function of issuing press releases and summaries of all public meetings, also covering the treaty bodies. The cost of the treaty body system is distributed through OHCHR and the United Nations Office at Geneva, with the former handling staff costs and travel/daily subsistence allowance and the latter dealing with costs related to conference services. Further information on the resources required for the system can be found in the background paper A/68/606.

Conclusion

The necessity of providing the human rights treaty bodies with the resources required for their effective functioning was recognized by all Member States. However, it was also clear that a long-term, sustainable solution was required for the system to make it as efficient as possible and flexible enough to deal with both fluctuations in reporting, increases in ratifications and possible additions of new

instruments in the future. To address the current backlog challenge — comprising State party reports and individual communications — facing the system and the possible increase in the rate of reporting compliance in the coming years as a result of increased treaty ratifications, there is a need to adopt a system that is simple enough to adjust to changes: an evolving approach that would be ready for possible full reporting compliance and eliminate the backlogs in reviewing State party reports, as well as individual communications, while still providing the treaty bodies with ample opportunities to organize their meetings and cover all aspects of their mandates.

The model for determining the allocation of meeting time for the treaty bodies elaborated in paragraphs 26 and 27 of the proposed resolution on strengthening and enhancing the effective functioning of the human rights treaty body system (A/68/L.37) provides the treaty body system with the meeting time and corresponding financial and human resources to address its workload and needs on a predictable and realistic basis. Taking the average number of reports received by each committee over the previous four-year period as the starting point, the model identifies the meeting time and resources needed in the coming biennium, including additional allocations necessary for the committees to carry out their functions. The model is sustainable, providing for a review every two years of the expected workload and corresponding meeting time, based on the principles established in the resolution. This allows the meeting time allocations to be revised to reflect changes in the rate of reporting. The calculation then forms a basis for a request of resources, presented as part of the Secretary-General's biennial budgetary request to the General Assembly.

This approach decides the allocation of meeting time to the treaty bodies on the basis of expected workload over the forthcoming biennium. To identify this workload, the average number of reports reviewed per committee are calculated (over the period from 2009 to 2012 in the first instance and thereafter on the basis of the previous four years for which the data are available). Imposing a rate of review of at least 2.5 reports per week on these averages provides a forecast figure for the expected reports workload (the figure represents an efficiency target; it is based on the standard two sessions used by the treaty bodies for a dialogue with a State party and the average additional time needed, with the application of efficiency measures, to prepare the dialogue and the committee concluding observations thereafter). As the initial reports under the Optional Protocols to the Convention on the Rights of the Child need to be submitted separately on the basis of the current practice, the assumption of a rate of review of at least 5 reports is made for these.

In this calculation, further allocations are included to provide meeting time for individual communications, based on the average number of individual communications received, and a further two-week allocation per committee to allow for their mandated activities. These activities include, for example, the opening and closing segment of each session, organizational matters and approval of programmes of work, consideration of working methods, discussion and adoption of the annual report to the General Assembly, informal meetings with States parties (at least once a year), thematic discussion days and meetings with United Nations country teams or representatives of United Nations agencies.

Furthermore, an additional margin is included to avoid incurring new backlogs in case of an unforeseen increase in the number of reports received (for example, as

a result of States parties' improved capacity to report). This margin is identified at a base rate of an additional 5 per cent of meeting time (calculated on the basis of the overall time allocated for the consideration of reports), but a temporary allocation set at 15 per cent has been incorporated for the period from 2015 to 2017 to assist in dealing with the backlog in reports currently faced by the committees. Paragraph 26 of the resolution also includes an allocation of the adequate financial and human resources to those treaty bodies whose main mandated role is to carry out field visits.

Paragraph 27 sets the formula approach established in paragraph 26 on a sustainable footing, putting in place a biennial review that will recalculate the allocated meeting time on the basis of the updated data on the workload of the committees during the previous four-year period. The paragraph also stipulates that the number of weeks currently allocated on a permanent basis (on the adoption of the resolution) will not be reduced.

To support this biennial review, the Secretary-General is requested, in paragraph 40, to provide a comprehensive report on the status of the treaty body system and the progress achieved by the treaty bodies in achieving greater efficiency and effectiveness in their work. All individual considerations for individual treaty bodies should be a part of this report and balance the needs of the system as a whole. The report should include such information as the current backlog, the current funding situation, reporting rates, increases in ratification, new instruments (for example, optional protocols) and any fluctuations in the receipt of reports and individual communications. Additionally, it should provide information regarding OHCHR activities in supporting the capacity-building of Member States. The issuance of the report, and its subsequent discussion, should be carried out in time for the regular budget submission of OHCHR, in order to provide context for submission for the treaty body system.

Measures to improve the efficiency and effectiveness of the system

In addition, the following measures should be taken to further improve the efficiency and effectiveness of the treaty body system:

- **Reasonable accommodation**. OHCHR should make efforts to comply with relevant accessibility standards with regard to the treaty bodies, to facilitate full participation by persons with disabilities in the work of the treaty bodies, whether they be treaty body members, representatives of States, national human rights institutions, non-governmental organizations or other stakeholders. At the same time, OHCHR should provide reasonable accommodation for treaty body experts with disabilities to ensure their full and effective participation.

- **Reduction in the number of working languages used by all treaty bodies**. The allocation of working languages to treaty bodies should be determined by the committee and should include a maximum of three working languages, taking into account that these measures will not be seen as a precedent, given the special nature of the treaty bodies. On an exceptional basis, a fourth language could be provided. This could be reviewed on a biennial basis as new experts are elected and based on their language requirements. In addition, this would not have an impact on the dialogue with a State party, which would still

be able to speak in one of the six United Nations official languages during the dialogue with the treaty body.

- **Travel of treaty body experts**. OHCHR should improve the efficiency of the current arrangement with regard to the travel of treaty body experts in line with section VI of resolution 67/254. Additionally, the standard of accommodation for the air travel of treaty body experts should be reviewed and brought into line with the rules governing the travel of staff members of the United Nations at the level below Assistant Secretary-General, while daily subsistence allowance should continue to be provided at the level of Assistant Secretary-General. However, consistency in the provision of the standard of accommodation in the United Nations system cannot be achieved through the intergovernmental process.

- **Flexibility in scheduling**. OHCHR should maintain a list of States parties whose reports are part of the backlog and which are ready to consider, at short notice (a minimum of three months in advance), participating in an interactive dialogue with the treaty body concerned on the basis of their backlogged reports. If another State party is unable to use its allotted time, every effort should be made to schedule a State party on that list to allow for the most efficient use of the committee's time.

31. Guidelines on the independence and impartiality of members of the human rights treaty bodies ("the Addis Ababa guidelines")

A number of treaty bodies have developed tools to guarantee the independence and impartiality of their members. Whereas most treaty bodies have provisions to this end in their respective rules of procedure, the Human Rights Committee adopted a separate set of guidelines. Achieving such a standard of independence and impartiality is a precondition for attaining the ultimate objective of the treaty body system, namely to provide the most objective and respected assessment and guidance to States parties in fulfilling their human rights treaty obligations.

The treaty body Chairs prepared and adopted guidelines on the independence and impartiality of treaty body members at their meeting in Addis Ababa in June 2012. The guidelines promote a consistent understanding and approach for all treaty bodies on the issue of membership, including on potential cases of conflict of interest affecting the engagement of experts in the exercise of their functions.

Conclusion

The importance of the independence and impartiality of members of the human rights treaty bodies was reaffirmed by Member States in the intergovernmental process. States, as well as all other stakeholders in the treaty body system and the Secretariat, should fully respect the independence of treaty body members and avoid any act that would interfere with the exercise of their functions. There was, however, no agreement among Member States as to how this independence and impartiality could be secured through a set of guidelines or the competence of the intergovernmental process to enact such guidelines for the treaty bodies.

States, as well as all other stakeholders in the treaty body system, should recommit to fully respecting the independence of treaty body members and avoiding any act that would interfere with the exercise of their functions. Additionally, treaty

bodies could be encouraged to continue to consider and review their Addis Ababa guidelines.

Such a review could draw on the best practices and lessons learned from similar past experiences and should seek the views of States parties and other stakeholders. Additionally, the process should be transparent, comprehensive and inclusive, enabling all members of the treaty bodies to reflect upon and participate in the formulation process. These consultations could be held virtually and through focused discussions within the committees.

32. Strengthening the meetings of the Chairs and their interaction with States parties

The importance of effective dialogue between treaty body experts and States parties can have a positive impact on the work of the treaty bodies as well as ensure increased reporting and understanding of the treaty body system among States parties. This was highlighted in the intergovernmental process by both delegations and the treaty body experts and was demonstrated repeatedly through the effective dialogue between them.

Conclusion

There is a need to formalize and institutionalize the annual meeting of the Chairs of treaty bodies with States parties. This is with a view to ensuring that an open and formal interactive dialogue is established in which all issues of concern could be raised by States parties in a constructive manner. This would complement the yearly informal discussion that each treaty body organizes with States parties.

Additionally, it would be useful if this meeting would be held at regular intervals, such as every three years, in New York. This would facilitate the input of the Chairs into important processes in New York, such as the budget process.

33. Facilitating the engagement of States parties with the treaty bodies

Traditionally, a large majority of the meetings of the treaty bodies have been held in Geneva. Recently, OHCHR moved the remaining annual sessions of the Human Rights Committee and the Committee on the Elimination of Discrimination against Women from New York to Geneva owing to lack of resources. The additional resources required to send the staff of the Office to New York had previously been funded by extrabudgetary funds, which the Office was no longer receiving.

Many of the treaties, which the committees base their work on, include provisions regarding the venue of the committee meetings, many referencing United Nations Headquarters and others explicitly referencing both New York and Geneva.

Conclusion

The recent move of the last remaining treaty bodies from New York to Geneva has had an impact on the ability of some States parties to report, since they are not represented in Geneva. As the dialogue is a key component of the reporting process and in order to facilitate the full engagement of all States parties in the interactive dialogue with the treaty bodies, Member States should be encouraged to provide voluntary funds to facilitate the engagement of States parties, in particular those

without representation in Geneva, with the treaty bodies. This could be done through increased support by OHCHR to those States parties.

34. Multilingualism

An essential factor in harmonious communication among peoples, multilingualism is of particular importance to the United Nations. By promoting tolerance, multilingualism ensures the effective and increased participation of all in the Organization's work, as well as greater effectiveness, better outcomes and increased involvement. Arabic, Chinese, English, French, Russian and Spanish are the six official languages of the United Nations.

Conclusion

The importance of multilingualism in the activities of the United Nations was highlighted by a number of delegations during the process, including those linked to the promotion and protection of human rights. The ability of the treaty bodies to conduct their work in more than one language is crucial. Similarly, the significance of the ability of States parties to communicate with the treaty bodies in one of the six official languages of the United Nations cannot be understated. Accordingly, there was no agreement on proposals that were in contradiction with that principle.

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General Assembly
Security Council

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9 April 2014

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General Assembly
Sixty-eighth session
Agenda items 33 and 35

Prevention of armed conflict

The situation in the Middle East

Security Council
Sixty-ninth year

Letter dated 9 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to attach hereto the text of the declaration by the Ministers for Foreign Affairs of the member States of the Collective Security Treaty Organization on the escalation of tensions in north-western Syria, which was adopted in Moscow on 3 April 2014 (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 33 and 35, and of the Security Council.

(*Signed*) Vitaly **Churkin**

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Please recycle

Annex to the letter dated 9 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Declaration by the Ministers for Foreign Affairs of the States members of the Collective Security Treaty Organization on the escalation of tensions in north-western Syria

[Original: Russian]

We express our great concern at the worsening of the situation in north-western Syria as a result of conflict between Government forces and extremist groups linked to Al-Qaida, which has led to loss of life and the forced displacement of thousands of inhabitants of the town of Kassab, most of whom are Armenians.

We strongly condemn the terrorist acts and use of force against the civilian population.

We call for an immediate end to the violence and the safe return of refugees. We are convinced that normal conditions can be restored if outside interference and violence are rejected in favour of a broad-based political dialogue that takes into account the interests of all Syrians, regardless of their ethnicity and religious affiliation.

We urge all interested parties and those involved in the conflict to act in strict compliance with international law in the interests of a rapid end to the bloodshed and the achievement of a peaceful political settlement in Syria on the basis of the Geneva Communiqué of 30 June 2012.

(*Signed*) Edward Agvanovich **Nalbandyan**
Minister for Foreign Affairs
Republic of Armenia

(*Signed*) Vladimir Vladimirovich **Makei**
Minister for Foreign Affairs
Republic of Belarus

(*Signed*) Erlan Abilfaizovich **Idrissov**
Minister for Foreign Affairs
Republic of Kazakhstan

(*Signed*) Erlan Bekeshovich **Abdyldayev**
Acting Minister for Foreign Affairs
Kyrgyz Republic

(*Signed*) Sergey Viktorovich **Lavrov**
Minister for Foreign Affairs
Russian Federation

(*Signed*) Mahmoudjon Nosirovich **Sobirov**
First Deputy Minister for Foreign Affairs
Republic of Tajikistan

Moscow
3 April 2014

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Security Council

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The situation in Afghanistan

Security Council
Sixty-ninth year

Letter dated 9 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to attach hereto the text of the declaration by the Ministers for Foreign Affairs of the member States of the Collective Security Treaty Organization on the forthcoming elections in Afghanistan, which was adopted in Moscow on 3 April 2014 (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda item 37, and of the Security Council.

(*Signed*) Vitaly **Churkin**

14-29508 (E) 220414 220414

Please recycle

Annex to the letter dated 9 April 2014 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Declaration by the Ministers for Foreign Affairs of the States members of the Collective Security Treaty Organization on the forthcoming elections in Afghanistan

[Original: Russian]

We reaffirm our adherence to the emergence of Afghanistan as a responsible regional partner and a peaceful, sovereign, neutral and economically prosperous State free from terrorism and drug-related crime.

We welcome the presidential election and elections to provincial councils scheduled for 5 April 2014 in the Islamic Republic of Afghanistan. We are hopeful that the elections will be held successfully, in accordance with legislation and in compliance with all the requirements for security, law and order. We are confident that the Government of Afghanistan, with the assistance of the international community, has taken all necessary measures to ensure that every Afghan citizen who wishes to participate in the voting will have an opportunity to do so.

We support the holding of fair, transparent and democratic elections in the Islamic Republic of Afghanistan whose results will be recognized as legitimate and will reflect the will of the majority of the population.

We trust that the voting results will enhance peace in the country and the cohesion of the Afghan nation and that the President-elect of the Islamic Republic of Afghanistan will maintain the course towards the economic revival and stable political development of the State, social reconciliation, and the well-being of the Afghan people.

(*Signed*) Edward Agvanovich **Nalbandyan**
Minister for Foreign Affairs
Republic of Armenia

(*Signed*) Vladimir Vladimirovich **Makei**
Minister for Foreign Affairs
Republic of Belarus

(*Signed*) Erlan Abilfaizovich **Idrissov**
Minister for Foreign Affairs
Republic of Kazakhstan

(*Signed*) Erlan Bekeshovich **Abdyldayev**
Acting Minister for Foreign Affairs
Kyrgyz Republic

(*Signed*) Sergey Viktorovich **Lavrov**
Minister for Foreign Affairs
Russian Federation

(*Signed*) Mahmoudjon Nosirovich **Sobirov**
First Deputy Minister for Foreign Affairs
Republic of Tajikistan

Moscow
3 April 2014

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Prevention of armed conflict

Elimination of racism, racial discrimination, xenophobia and related intolerance

Responsibility of States for internationally wrongful acts

Security Council
Sixty-ninth year

Letter dated 9 April 2014 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

On this day 22 years ago, an unprecedented massacre was committed against the Armenian population in the village of Maragha. It was one of the most tragic and least-known pages of the aggressive war unleashed by Azerbaijan against Maragha village of Nagorno Karabakh with a population of about 6,000 people, including dozens of Armenian refugees who had escaped pogroms in Sumgait, Baku and elsewhere in Soviet Azerbaijan.

In the early morning of 10 April 1992, Azerbaijani armed forces launched an offensive against the sleeping village. Those who had not been able or did not manage to escape, including women, children and the elderly, were killed indiscriminately and their houses were pillaged and burned. The village was completely destroyed and subsequently occupied by Azerbaijani forces.

The facts of the mass murder of the civilian population in Maragha have been confirmed by various human rights organizations, including Human Rights Watch and Amnesty International. About 50 residents of the village were murdered, while their bodies were profaned and disfigured. Forty-five residents of the village were taken hostage, including nine children and twenty-nine women. Two weeks later, the village was again attacked and the population was deported. Houses were pillaged and then most of them were burned down. The fate of many of the hostages still remains unknown.

Today, we pay tribute to the innocent victims of the Maragha massacre and draw your attention to the fact that Azerbaijan continues its policy based on xenophobia, racism and hate speech against Armenia and Armenians, which is one of the main obstacles to the progress of the Nagorno Karabakh negotiation process.

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I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda items 33, 67 and 77, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

United Nations A/68/836–S/2014/260

General Assembly
Security Council

Distr.: General
11 April 2014
English
Original: Arabic

General Assembly
Sixty-eighth session
Agenda item 110
Measures to eliminate international terrorism

Security Council
Sixty-ninth year

Identical letters dated 10 April 2014 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

Yesterday, the city of Homs was the target of a yet another bloody terrorist attack. Two cars packed with explosives were detonated in Khidr Street, Karm al-Lawz quarter, killing 25 civilians, including women and children, and injuring 107 others. The attack also caused substantial damage to civilian property and businesses. The terrorists first detonated the explosive-packed car that they had parked near Khidr Street, an area of high civilian traffic, and then detonated another car 30 minutes later in that same quarter, in order to kill the greatest number of civilians possible.

The city of Homs was the target of two earlier terrorist attacks. On 6 and 27 March 2014, cars bombs exploded in the Arman quarter, killing 14 civilians and injuring dozens of others.

These terrorist attacks, which were carried out in a densely populated area, were the latest in a series of bombings and other terrorist attacks that were recently perpetrated in various Syrian cities. The terrorist groups, which receive support in the form of funding, arms, training and shelter from States in the region and outside it, continue to commit acts of terrorism, including the firing of mortar shells at residential buildings. Dozens of civilians have been killed and injured in such attacks.

The Government of the Syrian Arab Republic once again calls on the Security Council to condemn this terrorist crime, which claimed the lives of dozens of innocent Syrian civilians, and other terrorist crimes that have led to the loss of Syrian lives. These crimes are being committed with the support of Qatar, Saudi Arabia and Turkey. We once again call on the Security Council to hold those States accountable for their contempt of its resolutions concerning counter-terrorism, which the Council adopted under Chapter VII of the Charter. In those resolutions, the Council rejected terrorism in all its forms and manifestations. It furthermore

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affirmed that all States and parties that sponsor terrorism will be held accountable and bear full responsibility for acts of terrorism on an equal basis with the perpetrators.

The Security Council has remained silent in the face of the terrorist crimes that are being committed in Syria and the support afforded to the perpetrators. Its stance raises legitimate questions regarding the danger of the double standards that certain permanent members of the Security Council are applying in addressing terrorism. Such double standards threaten the international consensus regarding the global counter-terrorism effort.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 110, and of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

United Nations A/68/837

General Assembly

Distr.: General
11 April 2014

Original: English

Sixty-eighth session
Agenda item 147
Administrative and budgetary aspects of the financing of the United Nations peacekeeping operations

Updated financial position of closed peacekeeping missions as at 30 June 2013

Report of the Advisory Committee on Administrative and Budgetary Questions

I. Introduction

1. The Advisory Committee on Administrative and Budgetary Questions has considered the report of the Secretary-General on the updated financial position of closed peacekeeping missions as at 30 June 2013 (A/68/666). During its consideration of the report, the Committee met representatives of the Secretary-General, who provided additional information and clarification, concluding with written responses received on 19 February 2014.

2. In paragraphs 1 to 6 of his report, the Secretary-General provides an update on the cash position of the 25 closed peacekeeping missions as at 30 June 2013. He indicates that, as at that date, 20 of the 25 closed missions had cash surpluses available for credit to Member States totalling $46,983,000 (see tables 1 to 3). He further explains that that amount does not take into account the $10,816,000 owed by two closed peacekeeping missions in cash deficit and another $41,000,000 owed by two active peacekeeping missions as at 30 June 2013. He adds that, were the amount of $41,000,000 borrowed by the active peacekeeping operations repaid, the total cash available would be $87,983,000.

3. In paragraph 6, the Secretary-General indicates that five closed missions had cash deficits totalling $86,709,000, comprising liabilities of $87,119,000, partially offset by cash assets of $410,000 (see tables 4 to 6). He further indicates that the cash liabilities of $87,119,000 comprise $23,636,000 in outstanding loans, $63,067,000 in claims owed to troop-contributing countries and $416,000 in inter-fund balances and other payables.

4. Upon request, the Advisory Committee was provided with updated information showing that, as at 5 February 2014, the cash surpluses available for credit to

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Member States in the 20 peacekeeping missions had increased to $65,373,000, which did not take into account $10,816,000 owed by two closed peacekeeping missions in cash deficit and $23,000,000 owed by two active peacekeeping missions. The information also showed that there had been no significant change in the liabilities of the closed peacekeeping missions in cash deficit since 30 June 2013.

5. **The Advisory Committee reiterates its expectation that the cash surpluses available for credit to Member States will be returned in full and in a timely manner (A/67/837, para. 3).**

II. Outstanding dues to Member States from closed missions

6. In paragraph 7 of its resolution 65/293, the General Assembly requested the Secretary-General to submit for its consideration and approval concrete proposals and alternatives to address the issue of outstanding dues to Member States from closed peacekeeping missions in net cash deficit. In this regard, the Advisory Committee recalls that the Secretary-General, in his reports A/66/665 and A/67/739, submitted proposals to address the issue.

7. The comments of the Advisory Committee on the proposals of the Secretary-General presented in the above reports are contained in paragraphs 10 to 12 of its report A/66/713 and paragraphs 5 and 6 of its report A/67/837. In its comments, the Committee expressed the view that the proposals of the Secretary-General would entail utilizing resources due to Member States that had paid their assessed contributions in full to meet the financial obligations to the Organization of Member States that had not paid their assessed contributions. Upon enquiry, the Committee was informed that the number of Member States with unpaid assessments for closed peacekeeping missions had fallen from 45 as at 30 June 2012 to 27 as at 10 February 2014. The Committee was also informed that those 27 Member States included 5 whose arrears had been determined by the General Assembly to result from conditions beyond their control.

8. **The Advisory Committee notes that the General Assembly has since decided, most recently by its decision 67/552 C, to defer consideration of both reports of the Secretary-General (A/66/665 and A/67/739) and the related reports of the Committee to its sixty-eighth session. In this context, therefore, the Committee reiterates all its previous observations and recommendations on the proposals contained in the above reports of the Secretary-General so that the Assembly has an opportunity to examine them in conjunction with the observations and recommendations contained in the present report.**

9. In section II of his report (A/68/666), the Secretary-General submits another proposal, according to which cash balances available as at 30 June 2013 amounting to $88,393,000 would be used to partially settle the amounts due to Member States. He indicates that the amount due to Member States as at 30 June 2013 is $161,866,000, comprising the claims of troop-contributing countries in closed missions with cash deficits ($63,067,000), the net surplus in closed missions with cash surpluses ($87,983,000) and loans to closed missions with cash deficits ($10,816,000). He indicates that the available cash balances as at that date amounting to $88,393,000 would allow reimbursement of 55 per cent of the amount due to each Member State. The Advisory Committee notes that this proposal is a

refined version of an earlier proposal submitted by the Secretary-General (A/67/739, para. 10).

10. During its consideration of the report of the Secretary-General, the Advisory Committee was informed, upon enquiry, that the current proposal to reimburse 55 per cent of all amounts due to Member States would result in disbursements to Member States in arrears in the payment of their assessed contributions to active and closed peacekeeping missions. In that connection, the Committee was provided with information showing that, as at 31 December 2013, 171 Member States that would receive reimbursement had arrears in their assessed contributions to active and closed peacekeeping missions amounting to $2,237 million, of which $425 million (from 53 Member States) had been outstanding for more than four years.

11. **The Advisory Committee reiterates that, while the proposal of the Secretary-General could help to mitigate the long-outstanding issue of unpaid claims to troop-contributing countries, it would still entail using surpluses that, in principle, should be returned in full to Member States (A/67/837, para. 5) (see also para. 7 above).**

III. Cash requirements of the Organization

12. The Advisory Committee recalls that the Secretary-General had previously proposed that the General Assembly should authorize temporary borrowing between active peacekeeping missions in order to alleviate cash shortages in active peacekeeping operations as a result of the inherent unpredictability of the receipt of assessed contributions (A/67/739, para. 13). The Committee notes that borrowing between active missions is currently not permitted according to the terms of the resolutions of the Assembly on the financing of peacekeeping operations. In his report, the Secretary-General explained that such borrowing was not expected to negatively affect the operations of any peacekeeping mission because cross-borrowing needs of active missions had been relatively minor compared with the total cash position of all active missions.

13. The Advisory Committee further recalls that the Secretary-General has continued to request the retention of cash balances available for return to Member States from the accounts of closed peacekeeping missions in order to ensure sufficient liquidity to address the cash shortfalls of active peacekeeping missions owing to unpaid peacekeeping assessments (A/66/665, para. 15 (b), A/67/739, para. 14 (c), and A/68/666, para. 22 (d)).

14. **In this regard, the Advisory Committee recalls the repeated calls by the General Assembly for all Member States to pay their assessed contributions in full, on time and without conditions (see Assembly resolution 65/293).[1] In addition, the Committee reiterates its concern about the continuing reliance on surpluses in closed peacekeeping missions for the cash requirements of active missions (A/67/837, para. 8).**

15. In section III of his report (A/68/666), the Secretary-General indicates that, while the level of cross-borrowing from closed missions declined from $51 million

[1] See also resolutions 64/243, 62/236, 56/253 and 54/249.

as at 30 June 2012 to $41 million as at 30 June 2013, active peacekeeping missions continued to experience temporary liquidity issues, hence the continued dependence on the cash surpluses of closed missions. In that regard, the Secretary-General refines the proposal for temporary borrowing between active missions by setting an overall cross-borrowing limit of $100 million and proposes conditions for such cross-borrowing (ibid., paras. 17 and 18). As an alternative to cross-borrowing, the Secretary-General proposes the establishment of a $100 million working capital fund for peacekeeping operations. According to the Secretary-General, the proposal is based on a suggestion by the Advisory Committee (ibid., para. 20). **The Advisory Committee recalls that, while it recommended that the General Assembly should request the Secretary-General to consider other possible alternatives, such as the feasibility of establishing a working capital fund for peacekeeping missions (A/67/837, para. 16), the recommendation has not yet been considered by the Assembly (see also para. 17 below).**

16. **The Advisory Committee remains of the view that the proposal to authorize borrowing between active missions could be an inducement to the late payment of assessed contributions and still does not address the Committee's reservations with regard to utilizing resources due to Member States that have paid their assessed contributions in full and on time to meet the financial obligations to the Organization of Member States that have not paid their assessed contributions in a timely manner (A/67/837, para. 12).**

17. **Bearing in mind the relevant resolutions setting out the distinction between the legislative decision-making functions of the General Assembly and the advisory functions of the Advisory Committee, the Committee underscores that its recommendations that have not been endorsed by the Assembly should not be cited as justification for the proposals of the Secretary-General. In this regard, the Committee recalls that, in the context of cross-cutting issues relating to peacekeeping operations, the Assembly stressed that the Assembly has the sole authority to approve the implementation of recommendations of the Committee (see resolution 64/269, sect. I, para. 2).[2] The Committee is therefore of the view that, because its recommendations contained in paragraph 16 of its report A/67/837 have not yet been considered by the Assembly, they should not have been cited by the Secretary-General as a basis for his proposals in paragraph 20 of document A/68/666.**

IV. Actions to be taken by the General Assembly

18. The actions to be taken by the General Assembly are set out in paragraph 22 of the report of the Secretary-General. **Subject to its comments and observations in paragraphs 5, 8, 11 and 14 to 17 above, the Advisory Committee recommends that the General Assembly take note of the report of the Secretary-General.**

[2] See also A/68/783, para. 26.